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Attorneys for Defendants Milwaukee Electric Tool Corp.
and Home Depot U.S.A, Inc.,

18 **IN THE UNITED STATES DISTRICT COURT
19 FOR THE DISTRICT OF NEVADA**

20 RICHARD GRENKOW; and
21 DEANNA GRENKOW,

22 Plaintiffs,

23 vs.

24 HOME DEPOT U.S.A., INC.;
25 MILWAUKEE ELECTRIC TOOL CORP.;
26 and ROE CORPORATIONS I through X;
ROE LIMITED LIABILITY COMPANIES, I
through X; and DOES I through X, inclusive,

27 Defendants.

Case Number: ~~A-21-844102-C~~

2:22-cv-496-APG-VCF

**STIPULATION AND JOINT MOTION ALLOWING
PLAINTIFFS TO FILE FIRST AMENDED COMPLAINT**

Plaintiffs Richard Grenkow and Deanna Grenkow (collectively, "Plaintiffs") and Defendants Home Depot U.S.A., Inc., and Milwaukee Electric Tool Corp. (collectively, "Defendants") hereby stipulate and jointly move the Court for entry of an Order granting Plaintiffs leave to file their First Amended Complaint. In further support, the Parties state as follows:

1. On November 15, 2021, Plaintiffs filed the Original Complaint in the District Court of Clark County, Nevada. Plaintiffs allege that, on October 30, 2020, Mr. Grenkow was watching a sales presentation by employees of Defendant Milwaukee at a Home Depot retail store in Las Vegas, Nevada. Mr. Grenkow allegedly leaned against a sawhorse that was being used in connection with the presentation, the legs of the sawhorse allegedly collapsed, causing Mr. Grenkow to fall backwards onto the floor, resulting in injuries.

2. On March 21, 2022, Defendants timely removed Plaintiffs' state court action to this Honorable Court.

3. The individuals who participated in the sales presentation on the date of the subject incident are employees of R&B Sales and Marketing, Inc., which is a wholly-owned subsidiary of Techtronic Industries North America, Inc. These individuals are not employees or agents of Defendant Milwaukee. Additionally, Milwaukee does not own, manage, or control any Home Depot retail stores, including but not limited to the Home Depot store at issue.

4. Accordingly, the Parties request that this Court enter an order: (1) granting leave for Plaintiffs to file a First Amended Complaint to add R&B Sales and Marketing, Inc., as a defendant (attached hereto as **Exhibit A**); and (2) dismissing Milwaukee Electric Tool Corp, without prejudice.

1 Respectfully Submitted,
2

3 RICHARD HARRIS LAW FIRM
4

5 /s/ *Christian Z. Smith* (with permission)
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43 *Corp. and Home Depot U.S.A., Inc.*
44

CERTIFICATE OF SERVICE

I certify that on the 2nd day of May 2022, I submitted the foregoing document with the clerk of court for the U.S. District Court, District of Nevada, using the electronic case filing system of the Court. I hereby certify that I have served all counsel of record in the manner authorized by Federal Rule of Civil Procedure 5(b)(2):

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/s/ Kaitlyn M. Faucett
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EXHIBIT

A

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19 RICHARD GRENKOW; and
20 DEANNA GRENKOW.

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23 HOME DEPOT U.S.A., INC.;
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27 Defendants.

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ORDER

Before the Court is the Parties' Stipulation and Joint Motion Allowing Plaintiffs to File First Amended Complaint. The Court finds that the Motion is due to be and hereby is **GRANTED**. It is hereby **ORDERED** as follows:

1. Plaintiffs are granted leave to file their First Amended Complaint. by May 10, 2022
2. Plaintiffs' First Amended Complaint is deemed filed as of the date of this Order.
3. Defendant Milwaukee Electric Tool Corp. is dismissed WITHOUT PREJUDICE.

IT IS SO ORDERED

DATED: May 3, 2022.

UNITED STATES MAGISTRATE JUDGE